

AMENDMENT # 9

REP. WHITE SUBMITS THE FOLLOWING:

Department of Parks, Recreation and Tourism

39.ds. (PRT: Destination Specific Tourism Transfer) From the funds set aside pursuant to the Motion Picture Incentive Wage Rebate, for Fiscal Year 2010-11 unexpended funds carried forward from the prior fiscal year shall be transferred from the Department of Revenue to the Department of Parks, Recreation and Tourism and utilized for the Destination Specific Tourism Program. These funds shall be carried forward from the prior fiscal year into the current fiscal year and be expended for the same purpose.

REP. WHITE SUBMITS THE FOLLOWING:**General Provisions**

89.87. (GP: Flexibility) In order to provide maximum flexibility in absorbing the general fund reductions mandated in this act as compared to the prior fiscal year general fund appropriations, agencies are authorized for FY 2009-10 to spend agency earmarked and restricted accounts designated as "special revenue funds" as defined in the Comptroller General's records, to maintain critical programs previously funded with general fund appropriations. Any ~~increase~~ in spending authorization for these purposes must receive the prior approval of the Office of State Budget and must be reported to the Governor, Senate Finance Committee, and the House Ways and Means Committee. The Comptroller General is authorized to implement the procedures necessary to comply with this directive. This provision is provided notwithstanding any other provision of law restricting the use of earned revenue. Appropriation transfers may exceed twenty percent of the program budget upon approval of the Budget and Control Board, Office of State Budget in consultation with the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

State institutions of higher learning whose budgets have been reduced from the Fiscal Year 2008-09 state funding level, shall have the authority to use other sources of available funds to support and maintain state funded programs affected by state reductions during Fiscal Year 2009-10 and may adjust appropriations from special items or programs contained in this act in an amount greater or less than the percentage of the reduction assessed to the institution's base budget. Institutions shall submit to the Office of State Budget, the Senate Finance Committee, and the House Ways and Means Committee the amount of base budget reductions associated with these programs.

Notwithstanding the flexibility authorized in this provision, the following agencies are prohibited from reducing or transferring funds from the following programs or areas:

- (A) Department of Health and Human Services
 - (1) Teen Pregnancy/Abstinence Programs including, but not limited to MAPPS
 - (2) PACE
 - (3) Federally Qualified Health Centers
 - (4) Provider Rates

The Department of Health and Human Services shall not decrease provider reimbursement rates from their current levels.

It is not the intent of this proviso to restrict the annual updating of cost based rates and those rates which are indexed to methodologies described in the Medicaid State Plan.

- (B) Lieutenant Governor's Office
 - Home and Community Based Services (Meals on Wheels)
- (C) Department of Commerce
 - Regional Economic Development Organizations as defined by proviso 40.15
- (D) Department of Natural Resources
 - Law Enforcement Program/Enforcement Operations as contained in Program II. F. 1
- (E) Department of Parks, Recreation, and Tourism
 - (1) Program II. A. Special Item: Regional Promotions
 - (2) ~~Program II. A. Special Item: Advertising~~ Program II. C. Special Item: Palmetto

Pride

In addition the Department of Parks, Recreation and Tourism is prohibited from closing or reducing the FTE's in the State House Gift Shop, and the Santee Welcome Center.

Notwithstanding the prohibition on reducing or transferring funds from the programs or areas listed above, the Department of Natural Resources may reduce the specified programs or areas by an amount not to exceed the percentage associated with any mandated reduction.

Rep. Edge Proposes

SCDHHS shall seek federal approval through a State plan amendment to modify the South Carolina Healthy Connections Choices program for eligible Medicaid populations. An enrollee in the South Carolina Healthy Connections Choices program must choose a Medical Home Network or a Managed Care Organization in the county in which that enrollee resides. Upon receipt of federal approval, implementation shall be accomplished through a phased in approach as determined by SCDHHS.

Rep. Edge proposes:

21.31. (DHHS: Offset Budget Reduction) In the event of a base budget reduction assessed by the Budget and Control Board or the General Assembly, the Department of Health and Human Services is authorized to utilize Program II. A. 3. Z. Case Services/Public Assistance funds carried forward from the prior fiscal year into the current fiscal year as well funds appropriated for the same purpose in Fiscal Year ~~2009-10~~ 2010-11 that are in excess of program requirements in order to offset Fiscal Year ~~2009-10~~ 2010-11 base budget reductions. ~~The department shall be required to enroll into the program any child who qualifies during Fiscal Year 2009-10~~ 2010-11.

Rep. Edge Proposes

21.25. (DHHS: State Children's Health Insurance Program) The Department of Health and Human Services shall establish a separate, stand-alone plan under the authority of the State Children's Health Insurance Program (SCHIP) for the purpose of expanding eligibility for children up to two hundred percent (200%) of the prevailing federal poverty level. All other Medicaid eligibility criteria shall apply. For these purposes, a child is considered to be an individual under the age of nineteen. This plan shall operate as a combination program complementing existing Medicaid and Medicaid SCHIP expansion programs. The program shall be modeled on private insurance and the benefits package must be substantially equal to the benefits provided by: (1) Federal Employee Health Benefits Program Standard Option; or, (2) a plan offered to state employees; or, (3) a plan offered by an HMO with the largest commercial enrollment in the state; or, (4) a plan approved by the Secretary of the Federal Department of Health & Human Services. The private benefit plan must include dental and visual benefits substantially equal to those benefits currently offered to existing beneficiaries under the Medicaid program. Implementation of this program is contingent upon the availability of Federal funding appropriated for this purpose. The department shall be authorized to limit the number of enrollees, close enrollment, or establish a waiting list as necessary so as not to exceed available state appropriations. No cost sharing provision shall be applied. ~~Enrollment will begin no sooner than October 1, 2007.~~ Effective July 1, 2010, enrollment shall be closed to new participants.

Rep. Edge proposes:

Department of Health and Human Services:

21.GAPS *The requirements of Title 44 Chapter 6-610 through Chapter 6-660 shall be suspended for Fiscal Year 2010-11.*

AMENDMENT # 42

REP. LIMEHOUSE SUBMITS THE FOLLOWING PROVISIO TO IMPOSE A 50¢ SURTAX ON A PACK OF CIGARETTES AND CREATE A MEDICAID RESERVE FUND:

STATEWIDE REVENUE

90.cs. (SR: Cigarette Surtax) (A) Effective for the current fiscal year, there is imposed a surtax on cigarettes subject to the license tax imposed on cigarettes pursuant to Section 12-21-620(1) of the 1976 Code, in an amount equal to 2.50 cents on each cigarette.

(B) Notwithstanding another provision of law providing for the crediting of license tax revenues, the revenue of the tax imposed pursuant to this section must first be used and is hereby appropriated to restore and maintain a balance in the Medicaid Reserve Account of the Department of Health and Human Services as provided pursuant to subsection (E) of this provision.

(C) For all purposes of reporting, payment, collection, and enforcement, the surtax imposed by this paragraph is deemed to be imposed pursuant to Section 12-21-620(1) of the 1976 Code.

(D) For purposes of this paragraph and the license tax on cigarettes, 'cigarette' means:

(1) any roll for smoking containing tobacco wrapped in paper or in any substance other than a tobacco leaf; or

(2) any roll for smoking containing tobacco, wrapped in any substance, weighing three pounds per thousand or less, however labeled or named, which because of its appearance, size, type of tobacco used in the filler, or its packaging, pricing, marketing, or labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in (1) above.

(E) There is created in the State Treasury the Medicaid Reserve Fund (Fund), which is separate and distinct from the general fund of the State and all other funds. Recouped refunds and identified program overpayments must be credited to the Fund. In addition, the Fund balance in Subfund 3762 must be transferred to the newly created Fund. Any balance in the Fund at the end of the prior fiscal year must be carried forward into the current fiscal year. The Department of Health and Human Services shall also deposit any prior year program refunds or overpayments, excluding pharmacy rebates, into the Fund. The department may use the Fund to offset operating deficits or audit disallowances from the Medicaid program. After aggregate disbursements from the Fund in a fiscal year equal five hundred thousand dollars, all additional disbursements in that year must be approved by the State Budget and Control Board. At any time, the balance of the Fund must be an amount equal to one and one-half percent of the total appropriations authorization for the Medicaid program the current fiscal year. Revenue in excess of that balance must first be credited to the General Reserve Fund to the extent the General Reserve Fund needs replenishing, and after the General Reserve Fund is fully replenished, to the general fund of the State.

AMENDMENT # 47 sub

REP. NEAL SUBMITS THE FOLLOWING:

GENERAL PROVISIONS

89.pr. (GP: Retiree Return to Work Salary Percentage) The salary of a retiree who returns to work at a state agency shall be no more than 75% of the salary they were receiving upon the time of their retirement. In the event that an agency must employ a retiree who is returning to work, the employee should possess a unique skill set or institutional knowledge which would otherwise be difficult to replace.

AMENDMENT #49

Rep. Cobb-Hunter SUBMITS THE FOLLOWING:

Statewide Revenue

PROVISO

90. (Health Care User Fee) (A) Effective July 1, 2010, there is imposed a healthcare user fee on cigarettes subject to the fee imposed pursuant to Section 12-21-620(1) of the 1976 Code in an amount equal to 6.35 cents on each cigarette.

(B) Annually after 2010 the Department of Revenue shall adjust this user fee by the average percentage increase, if any, for the most recently completed calendar year in the medical services component of the Consumer Price Index for All Urban Consumers as certified by the Board of Economic Advisors.

(C) The proceeds of this user fee must be deposited into the Medicaid Expansion Fund and used for allowable school-based Medicaid services. The Department of Health and Human Services shall provide the matching funds for these school-based Medicaid services.

AMENDMENT #51

Rep. Cobb-Hunter SUBMITS THE FOLLOWING:

Statewide Revenue

PROVISO

90. (Healthcare User Fee and Healthcare Trust Fund) (A) Effective July 1, 2010, there is imposed a healthcare user fee on cigarettes subject to the fee imposed pursuant to Section 12-21-620(1) of the 1976 Code in an amount equal to 2.5 cents on each cigarette.

(B) Annually after 2010 the Department of Revenue shall adjust this user fee by the average percentage increase, if any, for the most recently completed calendar year in the medical services component of the Consumer Price Index for All Urban Consumers as certified by the Board of Economic Advisors.

(C) There is created the Healthcare Trust Fund into which the proceeds of this user fee must be deposited. This fund is separate and distinct from the general fund of the State and all other funds. Earnings and interest on this fund must be credited to the fund, and any balance in this fund at the end of the fiscal year carries forward in the fund to the succeeding fiscal year.

REPS. Kennedy and Herbkersman SUBMIT THE FOLLOWING:

DEPARTMENT OF EDUCATION

New (SDE: School Districts) For Fiscal Year 2010-11 sections 59-17-20 through 59-17-90 are suspended. On July 1, 2011, the area of each county of this State must be constituted as a school district and a county may not have multiple school districts within its boundaries. A portion of a county may be a part of a school district in another county. A county may choose to subdivide into more than one school district, however the county may only receive state funds for one school district. Any additional districts within the county must be funded through local dollars. Any savings must be directed to the Education Finance Act.

Rice

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/ 89.____ (GP: Income Tax Credit - Foster Care Parents) Expenses not exceeding \$750 incurred by a taxpayer in calendar year 2010 to upgrade the taxpayer's residence to meet Department of Social Services standards and applicable building code requirements necessary for the taxpayer to qualify as DSS foster parents are allowed as a nonrefundable credit against the taxpayer's 2010 South Carolina individual income tax liability. The Department of Revenue may prescribe the documentation necessary to document the expenses giving rise to the credit. /

REP. LIMEHOUSE SUBMITS THE FOLLOWING PROVISIO TO IMPOSE A 30¢ SURTAX ON A PACK OF CIGARETTES AND CREATE A MEDICAID RESERVE FUND:

STATEWIDE REVENUE

90.cs. (SR: Cigarette Surtax) (A) Effective for the current fiscal year, there is imposed a surtax on cigarettes subject to the license tax imposed on cigarettes pursuant to Section 12-21-620(1) of the 1976 Code, in an amount equal to 1.50 cents on each cigarette.

(B) Notwithstanding another provision of law providing for the crediting of license tax revenues, the revenue of the tax imposed pursuant to this section must first be used and is hereby appropriated to restore and maintain a balance in the Medicaid Reserve Account of the Department of Health and Human Services as provided pursuant to subsection (F) of this provision.

(C) For all purposes of reporting, payment, collection, and enforcement, the surtax imposed by this paragraph is deemed to be imposed pursuant to Section 12-21-620(1) of the 1976 Code.

(D) For purposes of this paragraph and the license tax on cigarettes, 'cigarette' means:

(1) any roll for smoking containing tobacco wrapped in paper or in any substance other than a tobacco leaf; or

(2) any roll for smoking containing tobacco, wrapped in any substance, weighing three pounds per thousand or less, however labeled or named, which because of its appearance, size, type of tobacco used in the filler, or its packaging, pricing, marketing, or labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in (1) above.

(E) each year, the revenue of five hundredths of a cent of the surtax on each cigarette to the Department of Agriculture to cause the marketing and branding of South Carolina agricultural crops or produce as being grown in South Carolina when offered for sale in retail establishments and to assist in relief from natural disasters affecting state-grown crops

(F) There is created in the State Treasury the Medicaid Reserve Fund (Fund), which is separate and distinct from the general fund of the State and all other funds. Recouped refunds and identified program overpayments must be credited to the Fund. In addition, the Fund balance in Subfund 3762 must be transferred to the newly created Fund. Any balance in the Fund at the end of the prior fiscal year must be carried forward into the current fiscal year. The Department of Health and Human Services shall also deposit any prior year program refunds or overpayments, excluding pharmacy rebates, into the Fund. The department may use the Fund to offset operating deficits or audit disallowances from the Medicaid program. After aggregate disbursements from the Fund in a fiscal year equal five hundred thousand dollars, all additional disbursements in that year must be approved by the State Budget and Control Board. At any time, the balance of the Fund must be an amount equal to one and one-half percent of the total appropriations authorization for the Medicaid program the current fiscal year. Revenue in excess of that balance must first be credited to the General Reserve Fund to the extent the General Reserve Fund needs replenishing, and after the General Reserve Fund is fully replenished, to the general fund of the State.

AMENDMENT # 56

REP. COBB-HUNTER SUBMITS THE FOLLOWING:

DEPARTMENT OF EDUCATION

1.aed. (SDE: AED Study) The Department of Education may coordinate a study to determine if training on the proper use of an automated external defibrillator (AED) should be required of all public and private high school instructional and administrative staff. The department shall report the findings of the study to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee no later than January 31, 2011.